

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAROLD STATEN,	:	
Plaintiff,	:	CIVIL ACTION
	:	No. 24-1380
v.	:	
	:	
CITY OF PHILADELPHIA and	:	
DETECTIVE JAMES J. MCNESBY,	:	
Defendants.	:	

ORDER

AND NOW, this 17th day of April, 2025, upon consideration of Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint (ECF No. 32), Plaintiff’s Opposition to Defendants’ Motion to Dismiss the Amended Complaint (ECF No. 36), and Defendants’ Reply (ECF No. 42), it is **ORDERED** that:

- Defendant the City of Philadelphia’s Partial Motion to Dismiss (ECF No. 10) is **DENIED AS MOOT** because Plaintiff filed an Amended Complaint (ECF No. 13) on July 10, 2024.
- Defendants’ Motion to Dismiss the Amended Complaint (ECF No. 32) is **DENIED WITHOUT PREJUDICE** as to Detective James J. McNesby’s qualified immunity defense.

/s Anita B. Brody

ANITA B. BRODY, J.